

FILED

1 **CHARLES CARREON, ESQ. (127139)**

2 2165 S. Avenida Planeta

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4 Tel: 520-841-0835

5 Attorney for Plaintiffs

6 Americana Communications, Inc., and

7 AIVA Corporation

10 JUN 11 PM 1:12

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 AMERICANA COMMUNICATIONS, INC.,
11 a Wyoming Corporation, and AIVA
12 CORPORATION, a Wyoming Corporation.

Case No.

CV 10 4320-MRP
(FFM)

13 Plaintiffs,

14 vs.

**COMPLAINT FOR DAMAGES,
CONSTRUCTIVE TRUST, AND
DECLARATORY RELIEF**

15 WMS PROVIDERS, INC., a Florida
16 Corporation, ROBERT ALLEN, KEITH
17 HILL, a citizen of California, and Does 1 - 10:

18 Defendants.

19 For its complaint against defendants, plaintiffs alleges as follows:

20 **THE PARTIES**

21 1. Plaintiffs Americana Communications, Inc. and AIVA Corporation ("Plaintiffs"), are
22 engaged in online commerce in which they receive credit card payments from customers who
23 subscribe to their membership websites.

24 2. Defendant WMS Providers, Inc. ("WMS") is a company that purports to provide credit
25 card processing services, with its corporate mailing address as recorded in the Florida Secretary
26 of State records at 28015 Smyth Drive, Valencia, California 91355. Robert Allen ("Allen") is
27 the owner of WMS. WMS is the alter ego of Allen, the primary shareholder of WMS, and
28

COMPLAINT

1 undercapitalized entity that he utilizes, and has utilized, for the purpose of committing fraud
2 upon Plaintiffs in the matter alleged herein.

3 3. Keith Hill (“Hill”) is a resident of California, an actual and apparent agent of WMS who
4 engaged in the transactions alleged herein in the State of California.

5 4. Does 1 – 20 are other parties, including foreign banking institutions based outside the
6 United States, and others who, in a manner not yet known to Plaintiffs, have caused the harms
7 alleged herein, and whom Plaintiffs will designate by their true names by amendment upon
8 discovery of their true identities. Doe 1 is that entity referred to below as “Acquiring Bank.”
9

10
11 **SUBJECT MATTER JURISDICTION**

12 5. The parties are diverse, the amount in controversy is in excess of \$ 75,000, and thus, this
13 Court has jurisdiction over the action pursuant to 28 U.S.C. §1332.

14 **VENUE**

15 6. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because defendant Keith
16 Hill, the agent of WMS, is a resident of Los Angeles County, California.

17 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

18 7. On or about December 1, 2009, Hill, acting as the agent of WMS for consideration,
19 represented to Plaintiffs that WMS would issue Plaintiffs a Merchant Identification Number
20 (“MID”), and that WMS would process credit card transactions on behalf of Plaintiffs through a
21 bank with which WMS had a relationship (“Acquiring Bank”). WMS represented that WMS’s
22 fees, which were inclusive of all fees charged by the Acquiring Bank, would be 6.5 % on all
23 credit card transactions, plus a fee of \$0.65 per transaction, and a monthly “maintenance fee” of
24 \$200. WMS represented that it would provide Plaintiffs with regular accountings of all credit
25 card transactions processed by the Acquiring Bank.

26 8. Plaintiffs paid WMS a “Set-up Charge” in the amount of \$ 1,595 to issue the MID,
27 establish the relationship with the Acquiring Bank, and provide Plaintiffs with a user name and
28 password that provided access to WMS’s computerized “Admin Gateway.”

COMPLAINT

9. On February 23, 2010, Plaintiffs began utilizing the WMS Admin Gateway to process credit card transactions. From February 23, 2010 through March 14, 2010, Plaintiffs processed a total volume of \$ 1,017,843.56 of credit card transactions through WMS. The credit cards of Plaintiffs' customers were charged, the transactions were handled through the WMS Admin Gateway, and Plaintiffs provided their customers with the subscription website access for which they had paid.

10. Plaintiff's however, received none of the revenue derived from their sales of subscription website access. On March 15, 2010, WMS and Allen told Plaintiffs that the bank through which it was processing Plaintiffs' transactions had refused to make any payments to WMS, and therefore, WMS had no funds to transfer to Plaintiffs; however, this was a false statement. WMS and Allen had in fact simply converted the \$1,017,843.56 in funds due Plaintiffs (the "Converted Funds") to their own use and possession, in complete, unlawful defiance of Plaintiffs' rights of ownership thereto. Alternatively and conjunctively, the Acquiring Bank, *i.e.*, Doe 1, converted the funds for its own use and possession, and/or all of the defendants conspired to take control of the Converted Funds and divided the ill-gotten gains amongst themselves.

FIRST CLAIM FOR RELIEF

For Receiving Stolen Property In Violation of Cal. Penal Code Section 496

Against WMS and Allen and Does 1 - 20

11. Plaintiff realleges and incorporates each and every allegation contained herein as if fully set forth hereat.

12. WMS and Allen stole the Converted Funds by means of a series of fraudulent acts in violation of: 18 U.S.C. § 1343 (Wire fraud); 18 USC § 1029 (Fraud in connection with a means of account access); Cal. Penal Code § 506 (Embezzlement by trustee, banker, merchant or broker); Cal. Penal Code § 470(b) (Forgery); Cal. Penal Code § 470(d) (Forgery of property certificate); and Cal. Penal Code § 496(a) (Theft by Receiving).

13. WMS and Allen lacked any lawful title to the Converted Funds, and thus the transfer of the funds was mere theft, a void and unlawful transfer that passed no lawful title in the Converted Funds to WMS or Allen.

1 14. Alternatively and conjunctively, Plaintiffs allege that Plaintiffs' funds were transferred to
2 Does 1 – 20, who had no lawful right to receive and retain the same, and either themselves
3 committed the crimes alleged hereinabove in paragraph 12, or were the knowing beneficiaries of
4 said crimes; wherefore, they are guilty for and liable for the said crimes, including but not
5 limited to theft by receiving in violation of Cal. Penal Code § 496(a).

6 15. Plaintiffs suffered damages in the amount of \$1,017,843.56, the full amount of the
7 Converted Funds, of which WMS and Allen are entitled to no portion whatsoever, since they did
8 not perform any of the duties agreed to with respect to processing the Converted Funds, and
9 simply used their access to embezzle and convert them to their own use.

10 16. Pursuant to Cal. Penal Code § 496(c), Plaintiffs are entitled to recover three times the
11 amount of the damages suffered due to the theft, and the attorneys fees and costs incurred in the
12 prosecution of this action.

13 17. Plaintiffs are entitled to recover prejudgment interest at the statutory rate pursuant to Cal.
14 Civil Code § 3287 and § 3288.

15 **SECOND CLAIM FOR RELIEF**

16 **Conversion, Against WMS and Allen and Does 1 - 20**

17 18. Plaintiff realleges and incorporates each and every allegation contained herein as if fully
18 set forth hereat.

19 19. The Converted Funds were individually and in the aggregate, specific, traceable,
20 identifiable sums. The Converted Funds are personal property represented by and merged with
21 transactional documents that record the intentions of Plaintiffs' customers to transfer the funds to
22 Plaintiffs in lawful exchange for services received, to wit, electronic and paper receipts, ledgers,
23 books and records that evidence Plaintiffs' ownership, title, and right to possession thereof.

24 20. WMA and Allen intentionally interfered with Plaintiffs' use and possession of the said
25 Converted Funds or some portion thereof, and converted the same to their own use.

26 21. Alternatively and conjunctively, Plaintiffs allege that Does 1 – 20 intentionally interfered
27 with Plaintiffs' use and possession of the said Converted Funds or some portion thereof, and
28 converted the same to their own use.

22. Alternatively and conjunctively, WMS, Allen, and Does 1 – 20 conspired with each other to intentionally interfere with Plaintiffs’ use and possession of the said Converted Funds, dividing the unlawful proceeds among themselves according to an agreed scheme, thereby interfering with Plaintiffs’ use and possession of the Converted Funds and appropriating Plaintiffs’ property to their own use.

23. Plaintiffs have been damaged in the amount of \$1,017,843.56.

24. Plaintiffs are entitled to recover prejudgment interest at the statutory rate pursuant to Cal. Civil Code § 3287 and § 3288.

25. The conversion of the Converted Funds was an act in willful violation of Plaintiffs’ rights, fraudulent, malicious and oppressive; wherefore, punitive damages are warranted.

THIRD CLAIM FOR RELIEF

Money Had and Received – Assumpsit

Against WMS and Allen and Does 1 – 20

26. Plaintiff realleges and incorporates each and every allegation contained herein as if fully set forth hereat.

27. An implied in fact contract arose between WMS and Allen on the one hand, and Plaintiffs on the other hand, that WMS and Allen would process Plaintiffs’ credit card transactions on the stated terms, to wit, 6.5 % on all credit card transactions, plus a fee of \$0.65 per transaction, and a monthly “maintenance fee” of \$200.

28. WMS and Allen completely failed in their performance of the stated terms.

29. Plaintiffs have made demand upon WMS and Allen for return of the Converted Funds, which WMS and Allen have refused.

30. Plaintiffs have been damaged in the amount of the loss of the Converted Funds, to wit, \$1,017,843.56.

31. Plaintiffs are entitled to recover prejudgment interest at the statutory rate pursuant to Cal. Civil Code § 3287 and § 3288.

FOURTH CLAIM FOR RELIEF

Negligent Misrepresentation

COMPLAINT

Against Keith Hill

32. Plaintiff realleges and incorporates each and every allegation contained herein as if fully set forth hereat.

33. On December 9, 2009, Hill, for consideration paid by WMS and Allen, as an authorized and apparent agent of WMS and Allen, represented to Plaintiffs, that WMS would process Plaintiffs' credit card transactions reliably, and would make payment of all funds due to Plaintiffs promptly (herein the "Representations").

34. In making the Representations to Plaintiffs, Hill assumed a duty to exercise reasonable care to communicate only accurate information regarding WMS and Allen to Plaintiffs.

35. Hill failed to exercise reasonable care to ascertain the truth of the Representations, and if he had exercised such care, he would have ascertained the truth of the matter, to wit, that WMS and Allen were not engaged in honest business, and would abscond with Plaintiff's funds if presented with the opportunity.

36. Hill knew Plaintiffs would give serious weight in deciding whether to use WMS and Allen to process their credit card transactions, and therefore, the Representations were material.

37. Further, Hill had access to knowledge that Plaintiffs could not obtain regarding the true intentions of WMS and Allen, to wit, that they could not be relied upon to handle the large sums that Plaintiffs were about to entrust to them. Because of his possession of this unique, material information, Hill was obliged to disclose these facts to Plaintiffs; however, he did not disclose all that he knew, and thus presented an incomplete version of the facts upon which he knew Plaintiffs would rely.

38. With full knowledge that Plaintiffs would rely upon both the Representations and upon the incomplete version of the facts that resulted from his failure to disclose material information known exclusively to himself, Hill presented WMS and Allen to Plaintiffs as reliable credit card transaction processors.

39. Hill made the Representations and presented the incomplete version of the facts with the intent to induce Plaintiffs to employ WMS and Allen to process their credit card transactions.

1 40. Plaintiffs did in fact rely upon Hill's Representations in choosing to entrust WMS and
2 Allen with the processing of their credit card transactions.

3 41. Due to their reliance upon Hill's Representations, Plaintiffs suffered damages in the form
4 of the loss of the Converted Funds, all to their pecuniary damage in the amount of
5 \$1,017,843.56.

6 42. Plaintiffs are entitled to recover prejudgment interest at the statutory rate pursuant to Cal.
7 Civil Code § 3287 and § 3288.

8 **FIFTH CLAIM FOR RELIEF**

9 **Constructive Trust**

10 **Against WMS and Allen and Does 1 – 20**

11 43. Plaintiff realleges and incorporates each and every allegation contained herein as if fully
12 set forth hereat.

13 44. Defendants WMS, Allen and Does 1 – 20 received possession of Plaintiffs' personal
14 property, to wit, the Converted Funds, due to fraud, accident, mistake, undue influence, the
15 violation of a trust, and/or other wrongful acts.

16 45. The rights of Plaintiffs to possess the Converted Funds are superior to those of the said
17 defendants.

18 46. Wherefore, pursuant to Cal. Civil Code § 2224, the said defendants are and should be
19 declared the involuntary trustees of the Converted Funds.

20 47. Plaintiffs have made demand for return of the Converted Funds, which the said
21 defendants have refused.

22 48. Wherefore, by the allegations set forth herein, Plaintiffs repeat their demand, and having
23 no remedy at law, invoke the equitable jurisdiction of the Court to order the said defendants to
24 preserve the Converted Funds for the benefit of Plaintiffs, to deliver the Converted Funds to
25 Plaintiffs, and to deliver all profits gained from the use of the Converted Funds during their
26 period of their involuntary trusteeship.

27 49. Plaintiffs are entitled to recover prejudgment interest at the statutory rate pursuant to Cal.
28 Civil Code § 3287 and § 3288.

SIXTH CLAIM FOR RELIEF

Declaratory Relief Under 28 U.S.C. § 2201

Against WMS and Allen and Does 1 – 20

50. Plaintiff realleges and incorporates each and every allegation contained herein as if fully set forth hereat.

51. An actual dispute has arisen between the Plaintiffs on the one hand and defendants on the other hand as to the right to possession of the Converted Funds.

52. Wherefore Plaintiffs pray for a declaration of rights establishing that:

1. The Converted Funds were transferred out of the control of Plaintiffs involuntarily, without the knowledge of Plaintiffs, by forgery and mere theft;
2. The means by which the Converted Funds were transferred out of the control of Plaintiffs transferred no valid title in the Converted Funds to the transferees, and Plaintiffs remain the sole, true lawful owners of the Converted Funds;
3. Plaintiffs are entitled to immediate possession of the Converted Funds;
4. Plaintiffs are entitled to an order reversing the transfer of the Converted Funds to any parties other than themselves;
5. Each of the defendants, or their coconspirators, agents or alter egos having possession of the Converted Funds or any portion thereof are holding the same in defiance of the rights of Plaintiffs, the sole true owners;
6. Each of the defendants having any knowledge of the disposition of Converted Funds are required to provide an accounting thereof;
7. Each of the defendants having possession of Converted Funds are required to disgorge the full amount of the sums in their possession;
8. Each of the defendants having had use of the Converted Funds are required to disgorge all interest and investment income earned from the Converted Funds to Plaintiffs;

1 9. Plaintiffs are entitled to apply for and receive preliminary injunctive relief by way of
2 orders issued pursuant F.R.Civ.P. 65 that will effectuate their rights to receive
3 accountings, disgorgement, imposition of constructive trust, pretrial and post-
4 judgment restraint of asset transfers and conveyances to prevent dissipation of assets,
5 and all other orders that will serve to protect the effect of this Court's lawful
6 judgment and Plaintiff's execution thereon.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, plaintiff prays for judgment against defendants as follows:

9 1) **ON THE FIRST CLAIM FOR RELIEF:**

10 For damages according to proof in the amount of \$1,017,843.56, trebled to the sum of
11 \$3,053,530.68;

12 For attorneys fees;

13 For prejudgment interest pursuant to Cal. Civil Code § 3287 and § 3288;

14 2) **ON THE SECOND CLAIM FOR RELIEF:**

15 For damages according to proof in the amount of \$1,017,843.56;

16 For punitive damages according to proof;

17 For prejudgment interest pursuant to Cal. Civil Code § 3287 and § 3288;

18 3) **ON THE THIRD CLAIM FOR RELIEF:**

19 For damages according to proof in the amount of \$1,017,843.56;

20 For prejudgment interest pursuant to Cal. Civil Code § 3287 and § 3288;

21 4) **ON THE FOURTH CLAIM FOR RELIEF:**

22 For damages according to proof in the amount of \$1,017,843.56;

23 For prejudgment interest pursuant to Cal. Civil. Code § 3288;

24 5) **ON THE FIFTH CLAIM FOR RELIEF:**

25 For a constructive trust on all Converted Funds;

26 For prejudgment interest pursuant to Cal. Civil Code § 3287 and § 3288;

27 6) **ON THE SIXTH CLAIM FOR RELIEF:**

28 For a declaration of the rights of the parties to the Converted Funds;

COMPLAINT

1 For pretrial and post-judgment orders pursuant to F.R.Civ.P. 65;

2 For such other equitable relief as will serve the ends of justice;

3 7) ON ALL CLAIMS FOR RELIEF:

4 For costs and disbursements; and,

5 For such other and further relief as the Court deems to be just and proper.

6 Dated: June 10, 2010

CHARLES CARREON, ESQ.

9 By: s/Charles Carreon/s

10 CHARLES CARREON, ESQ. (CSB # 127139)

11 Attorney for Plaintiffs

Americana Communications, Inc. and

AIVA Corporation

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury on all claims and issues proper for jury determination.

Dated: June 10, 2010

CHARLES CARREON, ESQ.

By: s/Charles Carreon/s
CHARLES CARREON, ESQ. (CSB # 127139)
Attorney for Plaintiffs
Americana Communications, Inc. and
AIVA Corporation

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
 AMERICANA COMMUNICATIONS, INC., a Wyoming Corporation, and
 AIVA CORPORATION, a Wyoming Corporation,

DEFENDANTS
 WMS PROVIDERS, INC., a Florida Corporation, ROBERT ALLEN, KEITH
 HILL, a citizen of California, and Does 1 - 4

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

CHARLES CARREON, ESQ. (CSB# 127139) 2165 S. Avenida Planeta
 Tucson, Arizona 85710
 520-841-0835

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 3,053,530.08

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: **CV10 4320**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	AMERICANA COMMUNICATIONS, INC., a Wyoming Corporation AIVA CORPORATION, a Wyoming Corporation

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Keith Hill, Los Angeles County	WMS PROVIDERS, INC., a Florida Corporation ROBERT ALLEN, a Florida resident

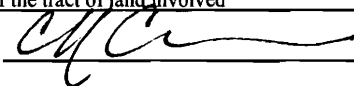
(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date June 9, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

CHARLES CARREON (CSB# 127139)
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 Email: chas@charlescarreon.com
 Attorney for Plaintiffs Americana Communications, Inc. and
 AIVA Corporation

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

AMERICANA COMMUNICATIONS, INC., a Wyoming
 Corporation, and AIVA CORPORATION, a Wyoming
 Corporation, PLAINTIFF(S)

v.

WMS PROVIDERS, INC., a Florida Corporation, ROBERT
 ALLEN, KEITH HILL, a citizen of California, and Does 1 - 10

DEFENDANT(S).

CASE NUMBER

CV 10 4320-MRP/FFM

SUMMONS

WMS PROVIDERS, INC., a Florida Corporation,

ROBERT ALLEN,

TO: DEFENDANT(S): KEITH HILL, a citizen of California, and Does 1 - 20

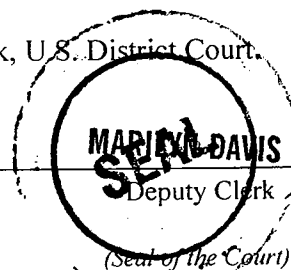
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, CHARLES CARREON, whose address is 2165 S. Avenida Planeta Tucson, Arizona 85710. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court.

Dated: June 11, 2010

By:



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].